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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,220	08/25/2003	Kenneth Brazell	10710/622	5412
757	7590	03/09/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/649,220

**Applicant(s)**

BRAZELL, KENNETH

**Examiner**

Clark F. Dexter

## Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) 1-11, 15-17 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-27 is/are allowed.
- 6) ☒ Claim(s) 12-14, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The response filed on December 2, 2005 has been entered. Upon further consideration, including applicant's remarks in the subject response, the previous prior art rejections have been withdrawn and new prior art rejections have been made as appropriate. Because these new rejections were not necessitated by applicant's amendment, this Office action is being made **non-final**.

### *Drawings*

2. The drawings were received on December 2, 2005. These drawings are unacceptable. The amended drawing is unclear and does not appear to address all of the issues raised in the drawing objection.

3. The drawings stand objected to because of the following informalities:

In Figure 6, numeral 52 appears to be inaccurate, and it seems that it should be changed to --14--, and numeral 52, which indicates the projection, should be added; also, it seems that a numeral (e.g., 61) should be added to indicate the lightly cross-hatched element positioned between the darker cross-hatched element and the wave spring 58.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motor and spindle as set forth in claim 20, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described under paragraph 3 above.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

On page 6, line 30, and on page 7, line 2, “pivot block projection 52” is inaccurate since the term “pivot block projection” along with numeral 52 have already been used to

indicate the feature projecting from pivot block 48 (e.g., see Figure 2-3), and it suggested to change "52" to --61-- or the like, and to provide an appropriate name for the feature being described.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Pub. No. 2004/0084581 in view of Ceroll et al., pn 6,595,096 and, in the alternative, in view of one of Chen, pn 5,645,259, Tsai, pn 6,499,705, and Byung et al., pn 6,505,565.

Claims 12-14, 18 and 19:

Chang discloses an assembly with almost every structural limitation of the claimed invention including:

a collapsible stand having a second series of attachment configurations (e.g., 241) spaced about a central axis for receiving the power tool first attachment configurations, the stand having a plurality of legs (e.g., 10) and inclined cross members (e.g., 40) operably connected to the second series of attachment configurations for providing structural support to the power tool in an expanded position of the stand;

wherein the cross members are pivotally connected to the second series of attachment configurations, and adjacent cross members are pivotally connected to each other (e.g., as implied in Fig. 7) for permitting the cross members and legs to collectively collapse towards the central axis whereby the legs and cross members each translate towards an orientation parallel to the central axis;

wherein the plurality of legs and cross members are further defined as at least four legs and at least six cross members (claim 14); and

wherein at least two of the two of the plurality of legs are each generally parallel to one another in the expanded position of the stand and are generally parallel to one another in the collapsed position of the stand (claim 18).

In the alternative, if it is argued that there is no explicit description in Chang that the cross members are pivotally connected together, such cross member configurations are old and well known in the art and provide various well known benefits including providing increased stability. Chen, Tsai and Byung et al., each discloses an example of such cross member configurations. Therefore, it would have been obvious to one having ordinary skill in the art to pivotally connect the cross members of Chang for the well known benefits including that described above.

Chang further discloses a work bench (e.g., see Figs. 2, 3 and 5) having a first series of attachment configurations (e.g., the holes through which fasteners 52 extend) formed about a peripheral edge and further includes at least one of the second series of attachment configurations including a locking mechanism (e.g., 52) cooperating with the work bench for locking the work bench to the stand (claim 19).

Thus, Chang lacks a bench-top power tool having a first series of attachment configurations formed about a peripheral edge. Ceroll discloses such a bench top power tool in the form of a table saw (claim 13) that includes a first series of attachment configurations formed about the peripheral edge (e.g., the mounting holes at the lower corners thereof) and discloses a saw for the purpose of cutting workpieces. Therefore, it would have been obvious to one having ordinary skill in the art to replace the work bench of Chang with the bench-top power tool of Ceroll to perform sawing operations.

#### ***Allowable Subject Matter***

8. Claims 20-27 are allowable over the prior art of record.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 12-14, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cf  
March 3, 2006